

In re Application of: Alon ATSMON et al
Serial No.: 10/618,962
Filed: July 14, 2003
Office Action Mailing Date: March 18, 2009

Examiner: Minh D. DAO
Group Art Unit: 2618
Attorney Docket: 36442

REMARKS

Reconsideration of the above-identified application in view of the amendments above and the remarks following is respectfully requested.

Claims 24-42 and 48-56 are currently pending.

Claims 24-44, 48-54 and 56 are rejected under 35 U.S.C. §103(a).

Claim 24 has been amended to recite " A portable device, comprising: a device body that has a thickness less than 0. 8 mm and a switch; memory for holding device information; a processor for processing signals to determine instructions to be carried out; and reception electronics for receiving acoustic signals, said reception electronics comprising an acoustic reception unit." It is submitted that no new matter has been added by these amendments, and that support for this amendment may be found, for example, at page 29, line 25 of the application.

Claim Rejections – 35 U.S.C. §112

The Examiner has rejected Claim for failing to comply with the written description requirement. The Examiner has suggested that the limitation of Claim 56, wherein "reception electronics are configured for extracting broadcast information from the acoustic signals, and wherein said processor is configured for processing information extracted by said reception electronics" is not found in the specification.

It is submitted that the above-mentioned limitation is indeed supported in the present application, for example, at page 65, line 31, which states that "The reception of information occurs via some electronic device 461, such as a broadcast media (e.g., TV, radio) or a personal computer." The text continues, at page 66, line 19, stating that, "based on the type of information received (and saved), the electronic card 460 can be used to exploit this information." At page 68, lines 2 and 10, the text discusses an embodiment, wherein a user of the electronic card can "download (and later redeem) coupons via broadcast media (e.g., television, radio)." "To receive these sound waves, the electronic card 10 contains a transducer for converting the received sound waves into electrical signals for digital signal processing." At page 74, line 30, the text states that "When the data stream is emitted by the speaker of the TV or radio, the user normally points his electronic card in the direction of the

In re Application of: Alon ATSMON et al
Serial No.: 10/618,962
Filed: July 14, 2003
Office Action Mailing Date: March 18, 2009

Examiner: Minh D. DAO
Group Art Unit: 2618
Attorney Docket: 36442

sound and presses the RX button to receive and download the data." In the case of coupon redemption, for example, "the web page plays an audio file...and the electronic card receives this audio signal and processes it (page 76, line 12).

In light of the above, it is submitted that the above-indicated limitation of Claim 56 is indeed supported in the application. Applicants respectfully request, therefore, that the Examiner withdraw his objection in accordance with 35 U.S.C. §112.

Claim Rejections – 35 U.S.C. §103

In this section of the Office Action, claims 24-34 and 41 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fajkowski (US Patent No. 5,905,246) in view of Suzuki et al. (US Patent No. 4,479,995) and further in view of Ito (US Patent No. 6,990,334). Applicants respectfully traverse this rejection.

None of the cited references teaches the limitations found in amended independent Claim 24, namely a portable device including "a device body that has a thickness less than 0.8 mm and a switch," "a processor for processing signals to determine instructions to be carried out; and reception electronics for receiving acoustic signals, said reception electronics comprising an acoustic reception unit." Similarly, none of the cited references teaches the limitations found in independent Claim 41, namely a portable device including "a device body that has a thickness less than 0.8 mm and a switch," "a processor for processing signals to determine instructions to be carried out; and reception electronics for receiving and recording acoustic signals."

Fajkowski teaches a coupon card which stores and organizes coupons (column 15, line 11). Coupon bar codes are optically scanned by the card (abstract and column 8, line 32) or bar codes may be entered manually via operational keys (column 10, line 49). Coupon data may be transferred from the card, via a light emitting diode to a light responsive transistor of a periphery device (column 15, line 42) or of another card (column 13, line 57).

The Examiner has noted that Fajkowski teaches a card including "reception electronics for receiving wireless signals" (Fig. 5, receiver 15). It should, however, be noted that these wireless signals are not acoustic, but are optical, as noted above. Additionally, as

In re Application of: Alon ATSMON et al
Serial No.: 10/618,962
Filed: July 14, 2003
Office Action Mailing Date: March 18, 2009

Examiner: Minh D. DAO
Group Art Unit: 2618
Attorney Docket: 36442

with all embodiments taught by Fajkowski, coupon information processing is carried out at a periphery device (column 16, line 11), not on the card itself.

Suzuki et al. teach a metallic luster plastic card containing a magnetic strip.

In contrast to the teachings of Fajkowski and Suzuki et al., each of Claims 24 and 41 teaches a device including "a processor for processing signals to determine instructions to be carried out; and reception electronics for receiving... acoustic signals," as noted above.

Ito teaches a wireless acoustic transmission and reception device for use in a music offering service system. The system includes a remote service center, a PHS (personal handyphone system) base station, and an acoustic receiver device (column 6, line 46). The acoustic receiver device includes various components which may communicate with the PHS telephone terminal device for facilitating use of the device, such as an additional operation unit placed on the cable of earphones (column 8, line 10).

It should be noted that, in each of the embodiments taught by Ito (ref. nos. 4, 70, and 80 in Figs. 3, 16, 18, and 20), the receiver device is incorporated into a PHS telephone, which is essentially a cordless telephone, having a thickness greater than 0.8 mm.

The Examiner has suggested that it would have been obvious "to provide the above teaching of Ito to Fajkowski and Suzuki for the purpose of improving the output of the music when replay it [sic]." However, Applicants respectfully submit that, even if one were inclined to combine the cards of Fajkowski and Suzuki et al. with the telephone receiver of Ito, the resulting device would not have "a thickness less than 0.8 mm," as recited in Claims 24 and 41. Instead, since Ito teaches a system wherein the acoustic receiver device is utilized as a PHS telephone terminal, the device would have a thickness greater than 0.8 mm.

In view of the foregoing discussion, it is submitted that claims 24 and 41 are patentable over Fajkowski in view of Suzuki et al. and further in view of Ito. It is further submitted that claims 25-34 are patentable as they depend from allowable independent claim 24.

Additionally in the Office Action, "Claims 35-44, 42, 55" [sic] were rejected under 35 U.S.C. §103(a) as being unpatentable over Fajkowski in view of Suzuki et al. and Ito and further in view of Kim (US Patent Application Publication No. 2006/0229114). In view of

In re Application of: Alon ATSMON et al
Serial No.: 10/618,962
Filed: July 14, 2003
Office Action Mailing Date: March 18, 2009

Examiner: Minh D. DAO
Group Art Unit: 2618
Attorney Docket: 36442

the fact that Claims 43-44 have been withdrawn, it is respectfully submitted that there is an apparent typographical error in paragraph (3) of the Office Action, which should read "Claims 35-42 and 55." As to the rejection of these claims, Applicants respectfully traverse this rejection.

Before dealing with this rejection, it should be noted that the Examiner has set forth rejections for each of Claims 35-40, 42, and 55 only. Therefore, the Examiner's reasons for rejection of these particular claims will be discussed.

Regarding Claims 35-40 and 55, it is submitted that these are patentable, as they depend from allowable independent Claims 24 and 41, respectively.

As to Claim 42, the Examiner has stated that this claim "includes the limitations as that of claim 40, and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 40." However, in view of the fact that Claim 40 is patentable, as noted above, it is respectfully submitted that Claim 42 is patentable, as it depends from allowable Claim 41.

In light of the above, it is submitted that Claims 35-42 and 55 are patentable over Fajkowski in view of Suzuki et al. and Ito, and further in view of Kim and are, therefore, allowable.

Further in the Office Action, claims 48-54 were rejected under 35 U.S.C. §103(a) as being unpatentable over Fajkowski in view of Suzuki et al., Ito, and Kim, and further in view of Logan et al. (US Patent No. 7,058,376). Applicants respectfully traverse this rejection.

As noted above, none of Fajkowski, Suzuki et al., or Ito teaches a portable device including a device body that has a thickness less than 0.8 mm, a processor for processing signals to determine instructions to be carried out, and acoustic reception electronics.

Kim teaches a mobile, palm-held device incorporated into a cellular or satellite telephone, which has a thickness greater than 0.8 mm. The device includes a microprocessor and a socket for receiving a replaceable memory card. The device communicates with the Internet (paragraphs 0011-0013) and records musical data directly from the Internet, such that the musical data can then be reproduced by the device (paragraph 0013).

In re Application of: Alon ATSMON et al
Serial No.: 10/618,962
Filed: July 14, 2003
Office Action Mailing Date: March 18, 2009

Examiner: Minh D. DAO
Group Art Unit: 2618
Attorney Docket: 36442

Logan et al. teach a car radio system for receiving, recording, and playing back a plurality of simultaneously broadcast radio or television programs (column 2, line 2; column 3, line 54; and column 4, line 66). The car radio system does not have a thickness less than 0.8 mm, and Logan et al do not teach processing audio files to determine instructions to be carried out, in contrast to the recitation of Claims 48 and 51.

In view of the fact that both Ito and Kim teach incorporating their devices into portable telephones, each of which has a thickness greater than 0.8 mm, and the fact that Logan et al teach incorporating their device into a car radio system, which also has a thickness greater than 0.8 mm, it is not clear how one would combine the teachings of Fajkowski and Suzuki et al. with those of Ito, Kim, and Logan et al., to achieve a portable device including "a device body that has a thickness less than 0.8 mm," "a processor for processing signals to determine instructions to be carried out," and an acoustic reception unit/electronics, as recited in each of independent Claims 48 and 51.

Thus, the cited references, alone or in any combination, do not teach the limitations found in each of independent claims 48 and 51, namely "a device body that has a thickness less than 0.8 mm," "a processor for processing signals to determine instructions to be carried out," and "reception electronics for receiving and recording acoustic signals" and storing/recording an audio sample on said portable device.

It is, therefore, submitted that independent claims 48 and 51 are patentable over Fajkowski in view of Suzuki et al., Ito, and Kim, and further in view of Logan. It is further submitted that Claims 49-50 and 52-54 are patentable, as they depend from allowable independent Claims 48 and 51, respectively.

In re Application of: Alon ATSMON et al
Serial No.: 10/618,962
Filed: July 14, 2003
Office Action Mailing Date: March 18, 2009

Examiner: Minh D. DAO
Group Art Unit: 2618
Attorney Docket: 36442

All of the issues raised by the Examiner have been dealt with. In view of the foregoing, it is submitted that all the claims now pending in the application are allowable. An early Notice of Allowance is therefore respectfully requested.

Respectfully submitted,

/Jason H. Rosenblum/

Jason H. Rosenblum
Registration No. 56437
Telephone: 718.246.8482

Date: September 16, 2009

Enclosure:

- Petition for Extension (Three Months)